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**From:** Wade, Alexis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C9FBA2EF8444572A39185242B70593B-WADE, ALEXIS]  
**Sent:** 12/5/2019 1:41:35 AM  
**To:** Palmer, Leif [Palmer.Leif@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]  
**Subject:** FW: draft letters to FDEP and the Services re: assumption and ESA  
**Attachments:** Non-Federal Designation State of Florida Draft Letter to FDEP - 12-4-19 .docx; Non-Federal Designation State of Florida Draft Letter to NMFS - 12-4-19 .docx

Since we're not sure when this issue will be discussed, I can try to keep you updated as the meeting goes on so you know when to call in. You can also call in at the beginning and wait, but I can try to make it as efficient for you as I can.

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

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**From:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Sent:** Wednesday, December 04, 2019 6:55 PM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** Wade, Alexis <Wade.Alexis@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>  
**Subject:** FW: draft letters to FDEP and the Services re: assumption and ESA

David – please see below and attached. I replied to all informing them that matt is now recused.

Mary's eagerness to move this forward is the reason why I think we need to discuss this tomorrow with you at reg review

I had originally asked Leif and his staff to be available at 1030 as first up at reg review. If Matt stays for only the first part, we can save it for after he departs. Leif – hope you and Matt can be available when the time comes – sometime between 1030 and 1130.

Steve Neugeboren  
Associate General Counsel for Water  
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Washington, DC 20460  
202 (564-5488)

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**From:** McGill, Thomas <McGill.Thomas@epa.gov>  
**Sent:** Wednesday, December 4, 2019 6:29 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Calli, Rosemary

<Calli.Rosemary@epa.gov>; Kelly, Stephanie <kelly.stephanie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** draft letters to FDEP and the Services re: assumption and ESA

\*\*\* attorney-client privilege / deliberative / do not release under FOIA \*\*\*

Attached are clean versions of the draft letters to FDEP and NMFS that I believe reflect consensus among the members of the Assumption Team. While the attachments are also intended to reflect comments from John, Brian and Jeaneanne, their comments were made on earlier drafts that didn't yet include all of the recommended language from our ESA experts.

As Mary Walker would like to see draft letters as soon as possible and discuss with OW/OGC leadership, I am requesting your review and any comments or suggested edits as soon as you can. To the extent possible, please share your feedback by 2:00pm tomorrow (Thu, Dec 5).

Thanks.

Tom